IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WSOU INVESTMENTS LLC, *Plaintiff*	§	
	§	**W-20-CV-00533**
-v-	§	**W-20-CV-00534**
	§	**W-20-CV-00535**
HUAWEI TECHNOLOGIES CO., LTD., HUAWEI TECHNOLOGIES USA INC. *Defendants*	§	**W-20-CV-00536**
	§	**W-20-CV-00537**
	§	**W-20-CV-00538**
	§	**W-20-CV-00539**
	§	**W-20-CV-00540**
	§	**W-20-CV-00541**
	§	**W-20-CV-00542**
	§	**W-20-CV-00543**
	§	**W-20-CV-00544**
	§	

CLAIM CONSTRUCTION ORDER

The Court held *Markman* hearings on April 22, 2021, April 26, 2021, and June 1, 2021. During those hearings, the Court provided its final constructions. The Court now enters those claim constructions.

SIGNED this 1st day of June, 2021.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

-533, -535, -540, and -543 Cases

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"performing a SRG (shared risk group) topology transformation of the network topology into a virtual topology that discourages the use of network resources" ('627 Patent, Claims 1, 29, 30) [Proposed by Defendant]	Plain and ordinary meaning	"performing a transformation of links and/or nodes of a SRG (shared risk group) of the network into a virtual topology that discourages the use of network resources"	Plain-and-ordinary meaning.

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"second code means adapted to, for at least one shared risk group, determine if any of the at least one shared risk group includes any of the first sequence of network resources" / "means adapted to, for at least one shared risk group, determine if any of the at least one shared risk group includes any of the first sequence of network resources" ('627 Patent, Claims 1, 29, 30) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: determine if any of the at least one shared risk group includes any of the first sequence of network resources **Structure**: processing platform-readable medium, and equivalents thereof (claim 29) / a network management platform, and equivalents thereof (claim 30) Algorithm (if required): *see e.g.*, 2:13-54, 3:54-4:15, 4:455:33, 6:23-37, 6:52-7:52, 9:18-23, 12:46-50 Figs. 3A, 3B, 6B, and equivalents thereof	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: determine if any of the at least one shared risk group includes any of the first sequence of network resources **Structure**: Indefinite for failure to disclose sufficient corresponding structure	Subject to 35 U.S.C. § 112, ¶ 6. **Function**: determine if any of the at least one shared risk group includes any of the first sequence of network resources. **Structure**: • Claim 29: "processing platform, and equivalents thereof" • Claim 30: "network management platform, and equivalents thereof" **Algorithm**: • Claim 29: 3:54-4:15, Fig. 1 • Claim 30: 3:54-4:15, Fig. 1

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"third code means for performing a SRG (shared risk group) topology transformation of the network topology into a virtual topology which discourages the use of network resources" / "means for performing a SRG (shared risk group) topology transformation of the network topology into a virtual topology which discourages the use of network resources" ('627 Patent, Claims 29, 30) [Proposed by both]	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: performing a SRG (shared risk group) topology transformation of the network topology into a virtual topology which discourages the use of network resources **Structure**: processing platform-readable medium, and equivalents thereof (claim 29) / a network management platform, and equivalents thereof (claim 30) **Algorithm** (if required): *see e.g.,* 2:31-3:18, 6:49-7:52, 7:63-8:28, 8:30-9:35, Figs. 2, 3A-3D, 4A, 4B, 5A, 5B, 6A-6E, and equivalents thereof	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: performing a SRG (shared risk group) topology transformation of the network topology into a virtual topology which discourages the use of network resources **Structure**: A network management platform comprising algorithms for link and node transformations such as those described in Figures 3C, 3D, 4A, and 4B, and the corresponding embodiments disclosed in 6:49-7:52, and equivalents thereof.	Subject to 35 U.S.C. § 112, ¶ 6. **Function**: "performing a SRG (shared risk group) topology transformation of the network topology into a virtual topology which discourages the use of network resources" **Structure**: • Claim 29: "processing platform, and equivalent, and equivalents thereof" • Claim 30: "network management platform, and equivalents thereof" **Algorithm**: • Claim 29: 2:31-3:18, 6:49-7:52, 7:63-8:28, 8:30-9:35, Figs. 2 (2-4 only), 3A-3D, 4A, 4B, 5A, 5B, 6A-6E • Claim 30: 2:31-3:18, 6:49-7:52, 7:63-8:28, 8:30-9:35, Figs. 2 (2-4 only), 3A-3D, 4A, 4B, 5A, 5B, 6A-6E

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"switch over message" ('755 Patent, Claims 1, 5, 8, 10, 13, 16, 18, 20, 23, 25) [Proposed by Defendant]	Plain and ordinary meaning	"a message which instructs a device to perform a switch over to the alternate path and which is not a message that indicates a fault has occurred in the network	Plain-and-ordinary meaning.
"originating network device" ('755 Patent, Claims 1, 3, 20) [Proposed by Defendant]	Plain and ordinary meaning	"a network device of a primary LSP which is not a source network device of the same primary LSP"	Plain-and-ordinary meaning.

"means for re-routing traffic traveling along the bi-directional LSP in the backwards direction to the alternate path in the backwards direction based on the switch over message" ('755 Patent, Claim 8) "means for re-routing traffic traveling along a bidirectional LSP in a backwards direction to an alternate path in the backwards direction based on the switch over message" ('755 Patent, Claim 23) "means for rerouting traffic traveling along the bi-directional LSP in a backwards direction to the same alternate path in the backwards direction based on the switch over message" ('755 Patent, Claim 25) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: re-routing traffic traveling along the bidirectional LSP in the backwards direction to the alternate path in the backwards direction based on the switch over message ('755 Patent, Claim 8) **Function**: re-routing traffic traveling along a bi-directional LSP in a backwards direction to an alternate path in the backwards direction based on the switch over message ('755 Patent, Claim 23) **Function:** re-routing traffic traveling along the bi-directional LSP in a backwards direction to the same alternate path in the backwards direction based on the switch over message ('755 Patent, Claim 25) **Structure**: merging network device, and equivalents thereof	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: re-routing traffic traveling along the bidirectional LSP in the backwards direction to the alternate path in the backwards direction based on the switch over message ('755 Patent, Claim 8) **Function**: re-routing traffic traveling along a bidirectional LSP in a backwards direction to an alternate path in the backwards direction based on the switch over message ('755 Patent, Claim 23) **Function:** re-routing traffic traveling along the bidirectional LSP in a backwards direction to the same alternate path in the backwards direction based on the switch over message ('755 Patent, Claim 25)	Subject to 35 U.S.C. § 112, ¶ 6 **Function:** • **Claim 8**: re-routing traffic traveling along the bidirectional LSP in the backwards direction to the alternate path in the backwards direction based on the switch over message • **Claim 23**: re-routing traffic traveling along a bi-directional LSP in a backwards direction to an alternate path in the backwards direction based on the switch over message • **Claim 25**: re-routing traffic traveling along the bi-directional LSP in a backwards direction to the same alternate path in the backwards direction based on the switch over message **Structure**: merging network device, and equivalents thereof **Algorithm**: 2:19-26, 2:52-55, 3:21-25, Figs. 1, 2, 3

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
	Algorithm (if required): *see e.g.*, 2:7-32, 2:43-60, 3:13-36, Figs. 1, 2, 3	**Structure**: Indefinite for failure to disclose sufficient corresponding structure.	

"means for transmitting a switch over message along the alternate path in the forward direction to a merging network device responsive for re- routing traffic traveling along the bi-directional LSP in a backward direction to the alternate path in the backward direction" ('755 Patent, Claim 20) "means for transmitting a switch over message, along the alternate path in the forward direction, for rerouting traffic traveling along the bi-directional LSP in a backward direction" ('755 Patent, Claim 25) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: transmitting a switch over message along the alternate path in the forward direction to a merging network device responsive for re-routing traffic traveling along the bidirectional LSP in a backward direction to the alternate path in the backward direction ('755 Patent, Claim 20) **Function**: transmitting a switch over message, along the alternate path in the forward direction, for re-routing traffic traveling along the bi-directional LSP in a backward direction" ('755 Patent, Claim 25) **Structure**: originating network device, and equivalents thereof **Algorithm** (if required): see e.g., 1:51-56, 2:7-32, 2:43-60, 3:9-36, Figs. 1, 2, 3	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: transmitting a switch over message along the alternate path in the forward direction to a merging network device responsible for re-routing traffic traveling along the bidirectional LSP in a backward direction to the alternate path in the backward direction ('755 Patent, Claim 20) **Function**: transmitting a switch over message, along the alternate path in the forward direction, for re-routing traffic traveling along the bi-directional LSP in a backwards direction ('755 Patent, Claim 25) **Structure**: Indefinite for failure to disclose sufficient corresponding structure.	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: • **Claim 20**: transmitting a switch over message along the alternate path in the forward direction to a merging network device responsive for re-routing traffic traveling along the bidirectional LSP in a backward direction to the alternate path in the backward direction • **Claim 25**: transmitting a switch over message, along the alternate path in the forward direction, for re-routing traffic traveling along the bi-directional LSP in a backward direction" **Structure**: originating network device, and equivalents thereof **Algorithm**: 2:16-32, 2:49-59, 3:9-28, Figs. 1, 2, 3

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"means for re-routing traffic traveling along a bidirectional LSP in a forward direction to an alternate path in the forward direction" ('755 Patent, claims 20, 25) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: re-routing traffic traveling along a bidirectional LSP in a forward direction to an alternate path in the forward direction **Structure**: originating network device, and equivalents thereof **Algorithm** (if required): see e.g., 1:51-56, 2:7-32, 2:43-60, Figs. 1, 2, 3	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: re-routing traffic traveling along a bidirectional LSP in a forward direction to an alternate path in the forward direction **Structure**: Indefinite for failure to disclose sufficient corresponding structure.	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: re-routing traffic traveling along a bidirectional LSP in a forward direction to an alternate path in the forward direction **Structure**: originating network device, and equivalents thereof **Algorithm**: 2:7-32, 3:9-36, Figs. 1, 3
"means for means for [sic] receiving traffic traveling along a bi-directional LSP in a forward direction to an alternate path in the forward direction" ('755 Patent, Claims 23) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: receiving traffic traveling along a bidirectional LSP in a forward direction to an alternate path in the forward direction **Structure**: merging network device, and equivalents thereof **Algorithm** (if required): *see e.g.*, 2:7-32, 2:43-60, 3:13-36, Figs. 1, 2, 3	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: re-routing traffic traveling along a bidirectional LSP in a forward direction to an alternate path in the forward direction **Structure**: Indefinite for failure to disclose sufficient corresponding structure.	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: receiving traffic traveling along a bidirectional LSP in a forward direction to an alternate path in the forward direction **Structure**: merging network device, and equivalents thereof **Algorithm**: 2:21-32, 2:55-60, Figs. 1, 2

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"determining whether said collected BER values worsen over time" ('112 Patent, Claims 1, 11) [Proposed by Defendant]	Plain and ordinary meaning	"determining whether said collected BER values worsen over time by comparing one or more of said recent ones of said collected BER values with said other collected BER values"	Plain and ordinary meaning
"a number of corrected errors (BCE) in a non-SCS base reference time period" ('727 Patent, Claims 1, 4, 5, 6, 7) [Proposed by Defendant]	Plain and ordinary meaning	"the number of background corrected errors that have been corrected within a base reference time period which is different than the base reference time period used to detect uncorrected blocks"	Plain-and-ordinary meaning.

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"means for implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function" ('727 Patent, Claims 4, 5) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function **Structure**: telecommunication network management system, and equivalents thereof **Algorithm** (if required): *see e.g.*, 1:63-2:21, 2:36-4:54, Fig. 1, and equivalents thereof	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function **Structure**: Algorithm disclosed in Figure 1, and equivalents thereof	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function **Structure**: "telecommunication network management system, and equivalents thereof" **Algorithm**: 1:63-2:9, 2:36-4:54, and Fig. 1
"means for classifying said blocks as either corrected or uncorrected through the Forward Error Correction Function" ('727 Patent, Claims 4, 5) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: classifying said blocks either as corrected or uncorrected through the Forward Error Correction function **Structure**: network node performing Forward Error Correction function, and equivalents thereof	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: classifying said blocks either as corrected or uncorrected through the Forward Error Correction function **Structure**: Indefinite for failure to disclosure sufficient corresponding structure	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: classifying said blocks either as corrected or uncorrected through the Forward Error Correction function **Structure**: network node performing Forward Error Correction function, and equivalents thereof

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"means for calculating the Performance Monitoring function by implementing a correlation of the information regarding said corrected and uncorrected blocks" ('727 Patent, Claims 4, 5) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: calculating the Performance Monitoring function by implementing a correlation of the information regarding said corrected and uncorrected blocks **Structure**: telecommunication network management system, and equivalents thereof **Algorithm** (if required): *see e.g.*, 1:63-2:21, 2:36-4:54, Fig. 1, and equivalents thereof	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: calculating the Performance Monitoring Function by implementing a correlation of the information regarding said corrected and uncorrected blocks. Structure: Algorithmic structure: $BER_{IN}=\Sigma BCE/(NSEC-\Sigma SCS)$ And equivalents thereof.	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: calculating the Performance Monitoring function by implementing a correlation of the information regarding said corrected and uncorrected blocks **Structure**: telecommunication network management system, and equivalents thereof **Algorithm**: 3:15-56

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function" ('727 Patent, Claims 6, 7) [Proposed by Defendant]	Plain and ordinary meaning	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function **Structure**: Algorithm disclosed in Figure 1, and equivalents thereof.	Subject to 35 U.S.C. § 112, ¶ 6 Function: implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function Structure: "telecommunication network management system, and equivalents thereof" Algorithm: 1:63-2:9, 2:36-4:54, Fig. 1
"classifying said blocks as corrected or uncorrected through the Forward Error Correction function" ('727 Patent, Claims 6, 7) [Proposed by Defendant]	Plain and ordinary meaning	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: classifying said blocks as corrected or uncorrected through the Forward Error Correction function **Structure**: Indefinite for failure to disclosure sufficient corresponding structure	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: classifying said blocks either as corrected or uncorrected through the Forward Error Correction function **Structure**: network node performing Forward Error Correction function, and equivalents thereof

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Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"a message to the upstream device to reduce a rate at which packets are sent to the queuing device to prevent the queue from filling" ('973 Patent, Claims 1, 9) [Proposed by Defendant]	Plain and ordinary meaning	"a message instructing the upstream device to reduce a rate at which packets are sent to the queuing device to prevent the queue from filing"	Plain and ordinary meaning
"the message" ('973 Patent, Claims 1, 9) [Proposed by Defendant]	Plain and ordinary meaning	Indefinite	Indefinite.

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"a module for sending the message from the e stream device to an upstream network device to thereby control a rate at which the upstream device receives packets from the upstream network device" ('973 Patent, Claim 9)	Plain and ordinary meaning except that the phrase "e stream" should be "upstream"	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: sending the message from the e stream device to an upstream network device to thereby control a rate at which the upstream device receives packets from the upstream network device **Structure**: Indefinite for failure to disclose sufficient corresponding structure	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: sending the message from the upstream device to an upstream network device to thereby control a rate at which the upstream device receives packets from the upstream network device **Structure**: a processor **Algorithm**: N/A because pursuant to "sending" is a function a general-purpose processor can do without requiring special programming.

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"a module for, if the depth of the queue passes a predetermined threshold, sending a message to the upstream device to reduce a rate at which packets are sent to the queuing device to prevent the queue from filling, thereby preventing packet discarding and loss by the queuing device" ('973 Patent, Claim 9)	Plain and ordinary meaning	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: sending a message to the upstream device to reduce a rate at which packets are sent to the queuing device to prevent the queue from filling, thereby preventing packet discarding and loss by the queuing device **Structure**: Indefinite for failure to disclose sufficient corresponding structure	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: if the depth of the queue passes a predetermined threshold, sending a message to the upstream device to reduce a rate at which packets are sent to the queuing device to prevent the queue from filling **Structure**: a processor **Algorithm**: None, and thus indefinite.

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"a module for sending a message reporting the depth of the queue to the upstream device to thereby enable the upstream device to determine whether to reduce or increase the rate at which the upstream device sends packets to the queuing device" ('973 Patent, Claim 9)	Plain and ordinary meaning	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: sending a message reporting the depth of the queue to the upstream device to thereby enable the upstream device to determine whether to reduce or increase the rate at which the upstream device sends packets to the queuing device **Structure**: Indefinite for failure to disclose sufficient corresponding structure	Subject to 35 U.S.C. § 112, ¶ 6 **Function**: sending a message reporting the depth of the queue to the upstream device **Structure**: a processor **Algorithm**: N/A because pursuant to "sending" is a function a general-purpose processor can do without requiring special programming.
"output indicator" ('466 Patent, Claims 1, 15) [Proposed by Defendant]	Plain and ordinary meaning	"indicator indicating an optical output being transmitted"	Plain-and-ordinary meaning.

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"output [indicator] threshold" ('466 Patent, Claims 1, 15) [Proposed by Defendant]	Plain and ordinary meaning	"time length or a percentage of a total time window duration"	Plain-and-ordinary meaning.
"[A method of /Apparatus for] regulating rogue behavior in an [optical network component comprising an optical transmitter/optical transmission device]" ('446 Patent, Claims 1, 15) [Proposed by Defendant]	Plain and ordinary meaning	"[A method of/Apparatus for] regulating rogue behavior by a subscriber-based [optical network component comprising an optical transmitter/optical transmission device]"	Preambles are not limiting except for: • Claim 1: "optical transmitter" • Claim 15: "optical transmission device" Plain-and-ordinary meaning.

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Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"capacity" ('512 Patent, Claims 1-18, 21-24, 27) [Proposed by Defendant]	Plain and ordinary meaning	Load	Plain-and-ordinary meaning.
"selecting a first candidate base station using said evaluation of said signal quality from said first measurement report" ('224 Patent, Claim 1) [Proposed by Defendant]	Plain and ordinary meaning	"selecting a single candidate base station using said evaluation of said signal quality from said first measurement report"	Plain-and-ordinary meaning wherein the plain-and-ordinary meaning of "a first candidate base station" is only one candidate base station.

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"executable program means for causing a base station to perform the method when the program is run on the base station" ('224 Patent, Claim 15) [Proposed by Defendant]	Plain and ordinary meaning and does not invoke 35 U.S.C. § 112, ¶ 6. If the court finds the term invokes § 112, ¶ 6, however, then: **Function**: causing a base station to perform the method of claim 1. **Structure**: executable program code configured when executed to cause the base station to perform the method of claim 1; the example flowchart shown in Fig. 1 and its accompanying written description; example signaling described with reference to Figs. 2−4; the example selecting process described with reference to Fig. 5; the base station described with reference to Fig. 6; and equivalents of any of the foregoing	Subject to 35 U.S.C. § 112, ¶ 6. **Function**: causing a base station to perform the method when the program is run on the base station. **Structure**: The flow chart of Figure 1, and its accompanying written description, and equivalents thereof.	Indefinite pursuant *to IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377 (Fed. Cir. 2005).

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Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"associated with a quality of the received CQI" / "associated with a quality of the received channel quality indicator (CQI)" ('199 Patent, Claims 1, 9, 15) [Proposed by Defendant]	Plain and ordinary meaning	"associated with a quality of received CQI channel"	Plain-and-ordinary meaning
"dynamically adjust a CQI channel configuration based on the comparison" ('199 Patent, Claims 1, 9) [Proposed by Defendant]	Plain and ordinary meaning	"a closed-loop process which dynamically adjusts a CQI channel configuration based upon the comparison of the short term or long term quality metrics"	Plain-and-ordinary meaning

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"generated by filtering frame based quality metrics over a plurality of frames" ('199 Patent, Claim 1) / "generated by filtering frame based quality metrics over a period of more than one frame" ('199 Patent, Claim 9) [Proposed by Defendant]	Plain and ordinary meaning	"created by processing frame based quality metrics over a plurality of frames in order to reject those long-term soft decision quality metrics that are unwanted"	Plain-and-ordinary meaning

"means for generating soft decision quality metrics from a decoding process for a received channel quality indicator (CQI)" ('199 Patent, Claim 9) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6. **Function**: "generating soft decision quality metrics from a decoding process for a received channel quality indicator (CQI)" **Structure**: CQI recovery/decoding unit; CQI metric generation unit; and equivalents thereof[1] [1] - The structure identified here is intended to encompass relevant descriptions appearing throughout the specification. In disclosures served on opposing counsel prior to the instant brief, WSOU had identified the following exemplary disclosure of the '199 patent as relevant to the understanding of the corresponding structure for this term: Fig. 1 (rake receiver 28, CQI recovery/decoding unit 30, and a CQI metric generation unit 32); Fig. 8; 4:57−5:13; 5:17−21; 6:13−49; 10:17−11:45; 12:4−53;	Subject to 35 U.S.C. § 112, ¶ 6. **Function**: "generating soft decision quality metrics from a decoding process for a received channel quality indicator (CQI)" **Structure**: a base station that includes a CQI recovery/decoding unit, CQI metric generation unit using the algorithm(s) of 13:58	Subject to 35 U.S.C. § 112, ¶ 6. **Function**: "generating soft decision quality metrics from a decoding process for a received channel quality indicator (CQI)" **Structure**: CQI recovery/decoding unit or CQI recovery/decoding unit and CQI metric generation unit; and equivalents thereof

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
	13:58−15:38; 16:42−46; 16:47−49, *etc.*		
"hybrid automatic repeat request process" ('199 Patent, Claims 1, 2, 5, 6, 7, 9, 11-19) [Proposed by Defendant]	Plain and ordinary meaning	"process implementing a stop and wait protocol and soft combining where in the uplink a UE adjusts the PUSCH transmission according to PDCCH and/or PHICH information as detected by the UE"	Plain-and-ordinary meaning
"the resources are persistently allocated for transmitting the new uplink packet transmission" ('199 Patent, Claim 2) [Proposed by Defendant]	Plain and ordinary meaning	Indefinite	Indefinite.